

REMARKS

Claims 2-22 are pending and subject to a restriction requirement. The Examiner has identified two distinct inventions. Claims 2-15 are drawn to the first invention; Claims 16-22 are drawn to the second invention.

Applicants hereby elect the first invention (Claims 2-15) and have amended the application by canceling Claims 16-22 without prejudice to Applicants' right to recapture the subject matter of the cancelled claims in a continuation or divisional application. In the amendments, Applicants add new Claims 26-29 which are drawn to the toxicity assay of the first invention.

The Examiner also identifies distinct species for the first invention which can be divided into species of creating an expression profile and species of agents.

Applicants respectfully traverse the identification of Claim 9 as a separate species because it introduces further limitations to step (d) of Claim 2 and is not an alternate method to those of Claims 7 and 8, which are applicable to step (c) of Claim 2. Each of these claims has been amended to clarify this point. For further clarification, because Claim 9 included alternate methods for performing step (d), the alternate methods have instead been moved to new dependent Claims 23 and 24 (which are also indicated as withdrawn).

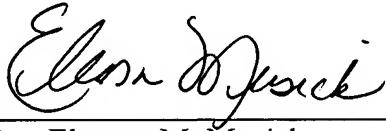
In view of the foregoing amendments, Applicants respond to the species restriction by provisionally electing the species of Claim 7, drawn to contrast analysis, principal components analysis in Claim 9, and the agent acetaminophen in Claim 14. Among the newly added claims, Claim 25, which mirrors Claim 14, is elected for consideration.

Applicants acknowledge the Examiner's statement that Claims 2-6 and 10-13 are generic to both groups of species. Accordingly, upon allowance of a generic claim, the presently non-elected species of Claims 8, 15, 23 and 24 will be entitled to consideration.

It is believed that all matters raised in the Office Action have been addressed. However, if the Examiner believes any informalities remain in the application which could be corrected by Examiner's Amendment, or there are any other issues which can be resolved by telephone interview, he is invited to contact the undersigned attorney using the contact information provided below.

Respectfully submitted,

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